



Thank you for participating in CBP's Webinar on Importer Security Filing (ISF) Enforcement held on Tuesday, May 5, 2015. Please find below a list of questions that were submitted during the webinar and answered to the best of our knowledge. Please send additional ISF questions to CBP at peyman.jamshidi@cbp.dhs.gov or security_filing_general@cpb.dhs.gov and any surety-related questions to lgelsomino@avalonrisk.com.

ISF-5 Questions

Please note, this webinar focused on ISF Enforcement for ISF-10s, and all questions from the webinar pertain to ISF-10s except for the following questions that were asked during the webinar regarding ISF-5s. It is important to note that ISF-5s are not being enforced by CBP at this time.

1) When the ISF-5 will be filed, who can be Importer of Record?

For IE and T&E in-bond shipments, and goods to be delivered to an FTZ, the ISF Importer will be the party filing the IE, T&E, or FTZ documentation. This is how the [ISF Interim Rule](#) currently defines the ISF Importer for ISF-5s.

2) Years ago clarification was promised on 19 CFR 149.1(a) "For IE and T&E in-bond shipments, and goods to be delivered to an FTZ, the ISF Importer will be the party filing the IE, T&E, or FTZ documentation". When will a date be established for the clarification for this important aspect of the ISF regulation?

As discussed during the webinar, this is part of the update that is required to the language for ISF-5s. ISF-5s are not being enforced by CBP until the language is updated through a Notice of Proposed Rulemaking (NPRM). ISF-5s will be going through the NPRM process to get clarification of these scenarios. CBP does not have a publication date for the NPRM. Once CBP issues and goes through the 60-day comment period, these changes will then be adopted into an ISF Final Rule. Currently, ISF is operating under an Interim Final Rule until these updates for ISF-5 can be made through the NPRM process.

3) Are in bonds being looked at for late filing action?

We believe your question pertains to ISF-5s. As discussed during the webinar, there is currently no enforcement on ISF-5s until the Notice of Proposed Rulemaking (NPRM) is issued allowing for a 60-day comment period that can be adopted into an ISF Final Rule. There is no set date for this and until then ISF-5s are not being enforced, and thus not subject to liquidated damage violations for late filing action.

4) I have a question about in-bond shipments in transit to be exported. I've been filing ISF-5 transactions and we understood that ISF for exports were not being looked at. I'm not sure if this is to continue to be the case or it will change in the early future?

As discussed in Question 3 above, ISF-5s are not currently being enforced by CBP, and there is no confirmed date of when this may change in the future.

Bill of Lading Match Questions

Please note, these questions pertain to the bill of lading match that must occur for ISF-10s to be in compliance. Bill of Lading may be referred to as B/L, BL, BOL or Bill throughout this document.

5) As long as you wait to see the AMS BL on file in AMS and it shows bill of file, you don't have any risk of BL mismatch, right?

Yes, that is correct and you should receive an S1 message confirming the B/L match.

6) We are currently filing with an AMS house bill number, is this fine after May 14?

Yes.



7) We continue to receive missing AMS?

We believe you are referring to missing bill of lading matches. This is a compliance issue that you need to get resolved in your ISF software and/or in your supply chain to provide the data necessary to secure the bill of lading match. Failure to do so repeatedly will result in cargo holds, inspections, and liquidated damage claims for repeat violations. Please contact your ABI Client Representative or ISF software vendor for further assistance.

8) Can you explain in more detail what the match is between? The B/L# in the ISF filing matches what? If we have a 3Z is there a match?

No, the 3Z is not the bill of lading match. Per the CAMIR disposition codes, it only means the ISF was accepted by CBP: "3Z: Generated as a result of an accepted Importer Security Filing. An advisory message indicating that the Import Security Filing has been accepted for this shipment."

The ISF Filer will receive an S1 message when an accepted ISF transmission matches a bill number and type on file in ACE. Per the CAMIR disposition codes: "S1: Generated to the party filing the Importer Security Filing when the ISF is matched with a bill on file with CBP."

9) If you don't get a match after 30 days due to late AMS filing by the responsible party (forwarder, carrier, etc), will it still match after that within the 60 day timeframe listed on the prior slide?

Yes, it should continue to do so within the 60-day timeframe, and the ISF filer should receive the disposition codes regarding the status of the B/L match. If not, check with your software provider.

10) On that last question about ISF filed more than 60 days out, when you said 'refile the ISF' did you mean resubmit the original ISF so that it looks for the BL match?

Yes, we meant resubmit the original ISF to look for the B/L match (S1 code).

11) It is important to note it is not a new ISF, the original ISF needs to be replaced.

Yes, that is correct when there is a B/L match that drops from ACE. Meaning the ISF-10 had secured the S1 code for a B/L match, but the B/L match later dropped because the carrier deleted or changed the B/L. In these instances, yes the original ISF would be replaced. However, there have been disruptions in ACE where an ISF may have been deleted or need to be retransmitted. Should a new ISF ever need to be filed, this is why we stressed the need to maintain records in case you need to document the original ISF that was timely filed.

12) Weren't the BOL drop issues specific to converted ISFs (10s to 5s)?

Yes, the BOL bug in ACE is actually an issue involving an ISF-5 that was submitted in error against an ISF-10. This was making the BOL drop, and the ISF needed to be replaced to secure a BOL match again. This bug is being fixed with Increment 10 in ACE sometime between May and August as discussed during the webinar.

13) When a B/L match drops, filing a new ISF will generate a duplicate reject. How do we handle?

Yes, you need to REPLACE the ISF, not file a new one. During the webinar, we were referencing an ISF that may have been deleted due to an ACE disruption vs. a B/L match drop.

14) When a B/L match drops, why won't a REPLACE fix it?

Yes, a REPLACE will fix it. During the webinar, we were referring to an ACE disruption that would require a new ISF. Since that ISF would be filed late, we were stressing how records should be maintained in the event of a liquidated damage claim so this could be outlined in the petition to request full cancellation.



15) How can we know if the BL match drops? Is another message going out showing "No Bill on File?"

Yes, if your ISF software is managing the process, you should receive one or more of the following disposition codes that there is no longer a B/L match. As referenced during the webinar, ACE will automatically query and provide these disposition codes for a 60-day period. After 60 days, ACE will no longer query to provide these disposition codes and you need to replace your ISF to secure an S1 message for the bill of lading match.

3U	Security Filing Deleted	This code applies if there are no longer any ISFs on file for the bill of lading.
3Z	Security Filing On File	This code applies if there is an ISF on file for the bill of lading.
S1	Bill on File	Generated when the ISF is matched to a bill of lading in ACE.
S2	No Bill Match (Not on File)	Generated when ISF bill is NOT on file in AMS immediately after filing the ISF.
S3	No Bill Match (Not on File)	Generated when the ISF bill is NOT on file in AMS 5 days after filing the ISF.
S4	No Bill Match (Not on File)	Generated when the ISF bill is NOT on file in AMS 20 days after filing the ISF.
S5	No Bill Match (Not on File)	Generated when the ISF bill is NOT on file in AMS 30 days after filing the ISF.
S6	No Bill Match (Wrong Type)	Generated when ISF bill is on file in AMS as a different bill type.
S7	Duplicate ISF	An ISF with same Number and IOR has been filed by another filer.
SA	No Bill Match (Wrong Type)	ISF bill is on file in AMS as different bill type, 5 days after filing the ISF.
FSB	No Bill Match (Wrong Type)	ISF bill is on file in AMS as different bill type, 20 days after filing the ISF
SC	No Bill Match (Wrong Type)	ISF bill is on file in AMS as a different bill type, 30 days after filing the ISF

16) How do you Query a Bill of Lading? Is this accomplished via our Software?

Yes, your software should automatically be querying ACE and capturing the above referenced disposition codes to manage the process and secure the S1 for a Bill of Lading Match on File. If you are not receiving these disposition codes, please contact your ISF software provider.

17) Some match issues are related to ACE and where the ISF is showing, what about these technical issues that are on CBP side?

If there are technical issues with ACE, you should be reaching out to your ABI Client Representative to correct and document these issues. As discussed during the webinar, you should maintain your records whenever there is an issue with an ACE bug, glitch, bill of lading match issue, and/or disruption in processing per a CSMS to the trade. In the event a liquidated damage claim does get issued for any reason beyond your control, you can submit your records to petition the claim and request cancellation in full and/or receive the lowest mitigation available given the circumstances surrounding the transaction.

18) On occasion we get a B/L not match and the forwarder confirms that they have filed the manifest and have confirmed the B/L. Our ABI rep says they see our filing but don't see the manifest information. In these instances, who can we contact or what can we do to resolve this?

If your ABI Client Representative doesn't see the manifest most of the time it is a timing issue when you try to secure your bill of lading match. Your forwarder should provide confirmation of the Y1 message received from the carrier. If you retransmit after confirmation of the Y1 message, you should be able to secure a match. If this continues to be an issue, please contact your Client Representative and continue to work with your forward to obtain correct information.



19) What is the timeframe to allow for update the BL number on the transmission?

As discussed during the webinar, there is no specific timeframe since each port can conduct its targeting at different times based on the duration of the ocean voyage. A best practice would be to have the B/L match occur no later than 5 days prior to the first ocean port of arrival in the U.S. to avoid cargo from being held. To avoid liquidated damage claims for an inaccurate ISF, the B/L match must occur before the cargo arrives as discussed during the webinar.

20) We have had many instances where the carrier changed the bill of lading type after the BILL ON FILE status advisory message has been received. In these cases, we have had to go back to the carrier to correct the error. What will be done in those instances and will CBP take this into consideration when considering a liquidated damage claim?

If an ISF importer receives a liquidated damage claim as a result of the carrier's error, you should document this as a mitigating factor in your petition to request the claim be cancelled in full. This is clearly referenced in the [mitigation guidelines](#).

21) We file our own ISF in house, and B/L no match happens all the time, most of the time I am being told by the steamship line that they have not transmitted their information for our information to match. What should be done on our side, how can we make sure that steamship line does what they are supposed to do in order for us to avoid the NO MATCH?

This is an ISF compliance issue that you must get resolved with the steamship line. The steamship line is required to transmit information under the 24 Hour Rule per the [Trade Act of 2002](#) so your ISF transaction can match to the B/L number. If there is no match, the ISF will still appear late to CBP. If you continue to operate in this manner, your cargo may be held for inspection and you face liquidated damage claims for an inaccurate ISF up to \$5,000 per transaction for repeat violations. If you receive liquidated damage claims as a result of the steamship line's error in not providing you with the B/L number to match to your ISF, you should document this as a mitigating factor in your petition to request the claim be cancelled in full and/or mitigated to the lowest amount possible, but the ISF Importer must work to correct the problem.

22) The MAIN issue I have seen with ISF in recent weeks/month are the WRONG assumptions of ISF filers that they cannot update the ISF with the correct AMS B/L # and that the carrier has to change the AMS B/L# if the ISF filer originally got the wrong AMS B/L#. Also that they must update the ISF SOONEST with the correct AMS B/L# to get the S1 message.

As discussed during the webinar, updates to the ISF can be made up to arrival of the cargo in the U.S. In the case of a bill of lading match, failure to update the ISF to secure a bill of lading match prior to arrival of the cargo in the U.S. will trigger a cargo hold and may result in liquidated damage claims if there have been repeat violations of this issue for an inaccurate ISF.

23) It was believed if an ISF was initially timely submitted, the ISF would be considered timely even if a correction was made after the ETD. This correction may normally occur for a B/L # and infrequently for any other ISF required information. Recently CBP issued a warning for an ISF transaction for one of our clients that was submitted timely but had to have a B/L# correction. In this case, the correction was not made until the vessel arrived when the incorrect B/L # was noted. Not sure if the vessel arrival date is critical for when an ISF correction is made. So the question is, how CBP will evaluate an ISF correction in determining the need for a CBP warning/penalty to be issued?

Yes, the vessel arrival date is critical since you must secure your bill of lading match before the cargo arrives in the U.S., otherwise you could receive liquidated damage claims for an inaccurate ISF if you have already received a warning letter. This is a compliance issue that must be corrected or you will continue to see delays in cargo release and face potential claims.

24) Are there any software recommendations for management of the process?

Yes, CBP posts a list of [ISF software vendors](#) on their website and updates monthly.



25) You are saying that we can have more than one B/L on a single ISF filing? Split Shipment
Yes, you can have more than one Bill of Lading on a single ISF filing for a Split Shipment. In general, one ISF can cover multiple BLs as long as they are part of the same shipment, using the same ISF importer, and arriving on the same vessel and voyage.

26) If you divert cargo and the steamship line issues a new B/L how will that be handled, as no ISF will be on file?

As discussed during the webinar, this is a good question because it's quite complicated and doesn't work the same as old AMS. Essentially a split bill should be used. A split bill indicator is not present with ISF. However, you can update the original ISF to reflect the new bill of lading and sweep that under the umbrella of the original ISF.

27) Hi, one question relating to the earlier one about 'Split Bills' that I'm hoping you can answer later in an email... You mentioned in case of new BL issued for a shipment, to add the new BL to the ISF. Should we leave the original bill on file with the ISF (even though it no longer applies) so that CBP can see it, or should we remove the original BL (again since it no longer applies)?

In this case, you should amend the ISF to reflect the new bill and remove the old one. This way you won't be sacrificing the timeliness of the original filing.

Cargo Holds

28) Regarding a 20 ISF hold, will CBP be active in removing ISF holds once the ISF is on file or will the importer still need to contact CBP directly to let them know that it is on file in order to gain CBP attention and have the hold removed?

Removing ISF holds is a manual process at each port and is only done so after the cargo is inspected typically through a non-intrusive inspection (NII) although a full inspection may also be required. The cost and timeframe it takes to process cargo holds will vary at each port of entry.

29) Concerns about short transit times, especially from Mexico to LA/Long Beach. Please restate CBP's attitude of late ISFs in this situation vs. a shipment that has a very long transit time (Asia to NY, etc.)?

For shorter voyages, it is best to adhere to 24 hours prior to vessel departure regardless of port practice because CBP actually has less time to conduct its targeting. Depending on the duration of the shorter voyage, there may not be any flexibility to deviate from the law that requires ISFs to be filed 24 hours prior to vessel departure and bill of lading match prior to arrival.

30) For short ocean transit times, cargo originating in Latin America (2 days or so), for example, and AMS matching happens in a very short time and could be delayed, is CBP and ports flexible to account for this constraint when issuing holds and or liquidated damages as a result?

As referenced above, this is not likely because CBP already has a very short timeframe to conduct its targeting before cargo arrives. CBP has often defined significantly late as providing an ISF in such a time that you have negatively impacted CBP's ability to effectively target the cargo. Filing your ISF 24 hours prior to vessel departure should be adhered to, otherwise there is definitely a risk of cargo holds, inspections and liquidated damage claims.

31) What happened to do not load if ISF is not filed?

The only time CBP will issue a Do Not Load message overseas is in the event of a national security threat. Over 80% of all ocean containers are already pre-scanned through CBP's Container Security Initiative (CSI) and 54% of all importations are for C-TPAT importers.



- 32) As a CHB, we find there are still importers getting shipments sent by overseas that importers are unaware have been shipped for various reasons. Will there come a point where the 2Q or Do Not Load flag can be active for all ISFs? Shouldn't the steamship line ultimately have total control over what shipments have an ISF and which don't?**

The only time CBP will issue a Do Not Load message overseas is in the event of a national security threat. As discussed during the webinar, the 2Q message is currently reserved for national security issues. If anyone sees the 2Q code being used, please send an email to peyman.jamshidi@cbp.dhs.gov immediately to provide the shipment details since this will require outreach. Although some steamship lines are not accepting containers that are not compliant with ISF, this is not required or regulated by CBP and continues to be a business practice that each steamship line may require to meet their own requirements. Ocean carriers also face liquidated damage claims for violations of the 24 Hour Rule and ISF requirements for Container Status Messages and Vessel Stow Plans.

- 33) How will the ISF holds be going forward for compliance on a LCL consolidation that has a non ISF on file for one of the shipments? Seem like now following the rules, my cargo is still put on ISF hold because 1 other shipment doesn't have an ISF filed.**

All ports have the authority to hold consolidated cargo that has a single shipment or house bill of lading that has no ISF on file. The ISF enforcement policy for cargo holds has been in force since July 9, 2013, and should not change much from what is happening today. Individual ports will typically send pipeline communications to the trade communicating their specific port procedures for ISF enforcement and consolidated cargo. There are certain high volume ports (LA/Long Beach, NY/NY, SF/Oakland, Seattle, etc.) that do follow the below procedure on consolidated cargo, however smaller ports may not have the resource to do so. Please inquire with your local port to determine the policy in force, and the delays that may be encountered:

CBP will place a "2O" hold at the house bill of lading level. Placing the hold at this level will hold the container at the terminal. When the consolidator/NVOCC transmits the electronic Permit to Transfer (PTT), they will learn about the hold. When CBP sees the electronic PTT, they will override the ISF hold with a "1W" authorization to transfer the goods to the Consolidated Freight Station (CFS). Before the "1W" is authorized, CBP will send a manual notice to the CFS placing a hold on the offending house bill(s) of lading. If a paper PTT is submitted, CBP will follow the same procedure before processing the PTT request. CBP will remove the hold only after they have issued the manual hold to the CFS, and the CFS acknowledges the hold order.

The CFS will be allowed to unload the container to breakdown the consolidation. All house bills of lading that have an ISF on file will be allowed to be processed for release under current processes. For a held shipment, once an ISF is on file for the shipment, CBP will decide if they want to examine the cargo. They will also decide if they want to perform the exam at the CFS or if they will require it to move to a Centralized Exam Site (CES). CBP manually checks the ISF status for shipments for which they have placed a "2O" hold. They are not done immediately once the ISF is matched to the shipment, and will result in some delays.

ISF Bond Questions

- 34) On the surety level, issuing Single ISF Bond, what will happen to the uneducated importers that never imported before cargo already arrived and no ISF filed. What will the surety companies policy be?**

As communicated during the webinar, CBP is focusing enforcement efforts to issue liquidated damage claims against repeat violators. As a first-time importer, the shipment would be subject to an ISF Cargo Hold and non-intrusive inspection (NII), or full inspection if deemed necessary. The ISF Importer could be subject to a liquidated damage claim for a late ISF depending on local port practice. This being the case, each surety will have their own policy and position on issuing a Single Transaction Bond (STB) for the ISF in this scenario since it is considered a violation.



35) I hear him saying file late but if you can't get a bond, how would you do that? For instance, the importer does not return the indemnity?

The decision to provide a bond for an ISF that is filed late is different for each surety because it represents a known violation that could be subject to a liquidated damage claim. The surety you select is a commercial decision.

36) Are the Sureties collecting penalties up front for late filings when using a single entry bond?

Each surety has their own underwriting policy since a late filing is considered a violation that is subject to a \$5,000 liquidated damage claim with potential to mitigate to \$1,000 for a first time violation, or \$2,500 for a subsequent violation. Only C-TPAT importers (Tier II and III) are eligible for a 50% reduction of the mitigated amount (i.e., \$500 or \$1,250, respectively).

Collateral may be required when there is a known ISF violation that will result in a liquidated damage claim, and the importer cannot demonstrate the financial strength to satisfy the payment of the claim obligation. There are also many exemptions for ISF bonding. If the ISF is filed late, the cargo may still be held and subject to inspection, but the ISF importer would avoid any exposure for liquidated damages if there is an exemption for bonding. If there is no bond, a liquidated damage claim cannot be issued.

37) For collateral, how long does CBP hold cash in lieu of surety?

If collateral is required for an ISF bond, the importer always has the option to post cash in lieu of a bond per 19CFR113.40. CBP will require collateral for the full face amount of each bond (\$10,000 for each ISF Single Transaction Bond or \$50,000 for the minimum continuous bond for each annual period). CBP is obligated to retain cash in lieu of surety bonds until all liability is fully exhausted. In the case of ISF, that would be six years from when the ISF obligation ceases at the first port of arrival based on the six-year statute of limitation that applies to ISF.

38) You say it is better to file late than not at all. Will CBP be requiring bonding companies to provide bonding services in instances when a first time or one-time importer has cargo on the water without an ISF? Our current bonding company will not offer bonding services for late ISF transactions. Are we to find another bonding company that will?

While each surety has their own underwriting policies and collateral requirements, bonds are typically available in the marketplace, especially with collateral as noted above. The bonding company you select is a commercial decision.

39) Will fines be issued for late filed ISFs where a bond is not required?

No, as discussed during the webinar, there can be no liquidated damage claim for late ISFs if there is no bond required because of one of the following bond exemptions:

- Type 3 Household Goods/Personal Effects
- Type 4 Government and Military
- Type 5 Diplomatic
- Type 6 Carnets
- Type 9 International Mail
- Type 11 Informal Shipments (under \$2,500 value)

However, the ISF Importer can always be made subject to penalties for fraudulent behavior up to the value of the cargo in accordance with [19 U.S.C. 1595a\(b\)](#).

40) In reference to the personal effects, who would be responsible for the penalty for late or no ISF filing?

As discussed during the webinar, personal effects are exempt from bonding requirements. Without a bond, a liquidated damage claim cannot be issued for a late ISF and/or non-file of an ISF. As such, the ISF should be filed without a bond so the goods can subsequently be entered into the commerce of the U.S.



- 41) **It was mentioned on the presentation that informal entry valued under \$2,500 do not require an ISF bond. Is this in effect?**

Yes, this has been included in the ISF FAQ since July 2010. Please see below for details.

- 42) **For an informal entry, the slide states an ISF bond is not required. However, when filing ISF you are required to input the importer's bond information, whether they have a continuous bond or not. If they do not, then you have no choice but to select single entry ISF. How can this be avoided?**

Please refer to CBP's ISF FAQ, which states the following about Informal Shipments. You must code the transaction properly as an ISF Type 11 along with the sub-code required, and the additional data elements that are requested. This will allow for the exemption from bonding.

*"The importing public has requested that CBP develop a specific coded transaction type for "informal entry" types and to provide some relief to the bonding requirements for these shipments. CBP has agreed to this, but with very specific stipulations. Importers using the new **ISF Type 11** coded transaction type will need to provide a sub-code, as well as an estimated value (U.S. dollars), estimated quantity (smallest external packaging units) and estimated weight (kg or lbs) of their shipment. A bond will not be required to cover the ISF requirements for eligible shipments.*

Valid Sub Code(s):

01	Section 321 Shipments	Total value under \$200
02	Informal Shipments	Total value \$2,000 or less
03	General Note 3(e) Shipments	See note below:

Note for Sub-type 01: Waste, garbage and textile shipments are not generally eligible for usage of the "Section 321" clearance and therefore are not eligible for this sub-code on the ISF.

Note for Sub-type 02: Quota entries valued at \$250 or more are generally not eligible for informal entry status and therefore are not eligible for this sub-code on the ISF. Note for Sub-type 03: The

General Note 3(e) exemptions include

- Corpses and accompanying coffins and flowers;
- Undeliverable articles returned within 45 days and which have remained in the custody of the carrier or foreign customs service;
- Aircraft parts or equipment removed from U.S. registered aircraft in international traffic because of accident, breakdown or emergency and returned within 45 days of removal."

- 43) **How do you file an ISF without a bond if none of the exemptions apply?**

Effective January 10, 2015, you can no longer file an ISF if none of the bond exemptions apply. Please refer to [CSMS# 14-000636 - Elimination of Late filed ISF transmissions](#) for guidance.

- 44) **Can an importer file a late ISF against a continuous bond that was purchased after sailing?**

Since this would be a known violation for a late ISF and potential for liquidated damage claim, it is something you would need to discuss with your surety. Most sureties do not provide a customs broker with underwriting authority to write a bond for an importer that has known or potential claims without prior approval.

- 45) **If we need to update an ISF that would also update the bond from a single bond to a continuous bond, is it acceptable to update?**

No, once an ISF is filed with a Single Transaction Bond (STB) that cannot be changed or modified to a continuous bond because the ISF is already contractually obligated by the STB.



- 46) When will ISF filers (e.g. customs brokers) be able to create their own ISF transaction numbers in the same way they do entry numbers?**

This is something that we continue to work on with the Office of Administration (OA) under eBond initiatives. CBP will keep the trade advised as our progress develops.

- 47) Is CBP contemplating increase in bond minimums for continuous bonds because of ISF liability to the bond?**

ISF transactions are not currently included in the calculation for an Activity Code 1 Continuous Bond, which is still based on 10% of the annual duties, taxes and fees subject to a \$50,000 minimum bond amount. CBP has not indicated any desire to increase the minimum bond amount at this time. However, the Revenue Division Bond Team does continue to review continuous bond sufficiency on an ongoing basis. The Analytical (2) bond formula contemplates any paid or outstanding increased duty bills or debit vouchers, but does not currently consider liquidated damage claims in the formula. Please refer to CBP's bond page for the most recent bond sufficiency formula: http://www.cbp.gov/sites/default/files/documents/bond_form_7.pdf.

ISF Liquidated Damages

- 48) We have seen an issue in Long Beach that a CBP officer is issuing Warning Letters to the Importer of Record on the Entry although the Importer of Record for ISF was different and a Single Transaction Bond (STB) was posted for the late ISF. We understood that ISF and Entry will be treated separately, i.e. ISF is not customs business and should not be tied to entry (customs business) penalties?**

As discussed during the webinar, the Warning Letter should have been issued to the Importer of Record on the ISF, not the Entry.

- 49) I had seen in the past where a Warning Letter was issued to the ultimate consignee instead of the actual importer of record; please confirm this is something that has been addressed and fixed in future?**

As discussed during the webinar, the Warning Letter should have been issued to the Importer of Record on the ISF, not the Ultimate Consignee, ISF Filer or Importer on the Entry unless the ISF Importer is the same as the Importer of Record on the Entry.

- 50) As an ISF filer (not the ISF Importer) I have in hand an improper "ISF Warning Letter" issued to me by a "rogue" port (an letter should be addressed to the ISF Importer not the ISF Filer), what if any oversight will CBP HQ working to insure that similar issues don't arise in the issuance of Liquidated Damages?**

The Warning Letters are issued manually by the ports to conduct ISF outreach. They are not a formal claim and thus may be submitted to different parties than the ISF importer as part of the overall outreach strategy for ISF compliance issues. A formal liquidated damage claim is issued on the standard 5955A, and would be correctly issued to the ISF Importer and/or the party that obligated the bond for the ISF transaction since this is managed through the national SEACATS database that is used by all FP&F offices. The 5955A would also properly identify the bond that is obligated for the ISF transaction.

- 51) Do we know how many warnings were issued in this past year?**

No, CBP-HQ cannot track the number of warnings issued because this was managed at the port level, and all outreach over the past year was either conducted by phone, email, or letter by the local port.



52) Is there a limit to the number of deletions that an importer can have? How are ISF deletions viewed by CBP?

There is no limit to the number of deletions that an importer can have, and CBP does not view this negatively since failure to delete an ISF is what can be subject to a liquidated damage claim. Please refer to 19CFR1492(e) for further details on proper withdrawal of an ISF. Duplicate ISFs should also be deleted by the ISF Filer that is no longer handling the transaction.

53) Multiple or numerous ISF amendments. Will that be negative to IOR's record?

No

54) Please discuss inaccurate vs. best information available at time of ISF filing.

As defined by 19 CFR Part 149, the ISF Importer "must update the ISF if, after the filing and before the goods arrive within the limits of a port in the United States, there are changes to the information filed or more accurate information becomes available."

Examples of "inaccurate" information were discussed during the webinar and include, but are not limited to: no B/L match to the ISF, failing to update a flexible filing to a CT transaction at least 24 hours prior to arrival, discrepancies found at the HTS 6-digit header level at the time of inspection, etc.

55) Can you receive a liquidated damage claim for the Bill of Lading not being matched at the time the filing is due?

No, because an ISF is easily amendable so the match is not due 24 hours prior to vessel departure at the time of filing the ISF. As discussed during the webinar, you can update the Bill of Lading up until the cargo arrives in the U.S. For the Bill of Lading mismatch, this is a violation that occurs at arrival. However, CBP is not waiting to the last minute to conduct the targeting, why it is super important to receive the Bill of Lading match. Even CBP conducts targeting. You may already be swept into cargo holds and the process that will occur if it looks like you don't have an ISF on file.

56) If there is no B/L match due to an error on the carrier's side, would the penalty be issued to the importer?

Yes, the ISF Importer is responsible for the timely, accurate and complete filing of the ISF. If a liquidated damage claim is issued to the ISF Importer due to this error caused by the carrier, you need to include this as a mitigating factor in your petition for relief requesting the claim be cancelled in full, or at least the lowest mitigation that can be afforded based on circumstances of each individual claim. The ISF Importer must still work to correct B/L match problems.

57) If the carrier issues an incorrect BL no. and doesn't correct it before arrival, who gets penalized?

The ISF Importer is responsible for the timely, accurate, and complete filing of the ISF. If a liquidated damage claim is issued to the ISF Importer due to this error caused by the carrier, you need to include this as a mitigating factor in your petition for relief requesting the claim be cancelled in full, or at least the lowest mitigation that can be afforded based on circumstances of each individual claim. The ISF Importer must still work to correct B/L match problems.

58) When will CBP begin enforcement for the carriers and exporters for not providing/filing timely?

Carriers are required to transmit data under the 24 Hour Rule as part of the Trade Act of 2002. Carriers can receive liquidated damage claims for violation the reporting requirements of the Trade Act and can also receive liquidated damage claims for failing to file the Vessel Stow Plans and Container Status Messages required by the Safe Port Act of 2006 to meet ISF requirements. We do not know what you mean by exporters filing timely, the ISF Importer bears responsibility.



59) If 5955A is issued to the IOR, is it mandatory for CBP to "cc" the CHB who filed?

It is common to copy the ISF Filer on the 5955A, but this practice is dependent on the resources available for the FP&F office at each port. If you find you are not being copied on the 5955A as the ISF Filer on the transaction, we encourage you to discuss with your local port to include the ISF Filer in the process and/or speak with CBP-HQ if you cannot accomplish on a local basis.

60) Are there plans to have ISF liquidated damages notices available on ACE similar to the CF28/29/4647 which are reportable/viewable online?

No, not at this juncture but could be part of future ACE development in 2016.

61) What does Customs consider to be a "good" timeliness percentage for an IOR?

To avoid cargo holds and liquidated damage claims, importers should strive for 100% compliance. There are importers that already meet this threshold.

62) If we have around 93% for timeliness, is that good or excellent?

To avoid cargo holds and liquidated damage claims, importers should strive for 100% compliance. There are importers that already meet this threshold.

63) Are "repeat offenders" port specific or national based?

As discussed during the webinar, "repeat offenders" can be identified nationwide. Each port is able to see violations in another port and repeat offenders continue to be the target for liquidated damages claims on a nationwide basis.

64) If you have freight originally routed into Canada and is changed by the steamship line for an unknown reason to a US port, what would you need to do when filing the ISF late?

CBP takes a common-sense approach in these scenarios. The ISF will be required, but CBP is aware that the ISFs will be filed late due to the unique circumstances involved.

65) If an ISF was originally filed timely, and it is updated after sailing prior to arrival, is the ISF considered to be late?

No, you can update a timely ISF with the best information available up to arrival of the cargo in the U.S. at the first ocean point of entry.

66) Some foreign importers have several customs assigned numbers is anything going to be done to try to consolidate all the numbers to make sure they can't be repeat offenders?

A foreign importer should only have one unique Customs Assigned Number per entity, unless there are multiple entity names that operate as different subsidiaries. With separate subsidiaries, each should have a separate Customs Assigned Number. It is the ISF Importer's responsibility to specify the correct party for the ISF transaction. Only the ISF Importer and Customs Assigned Number submitted with the ISF would be responsible for the transaction. CBP would only track violations by the unique Customs Assigned Number assigned to the ISF Importer that is legally responsible for the ISF transaction.

67) Even after shifting Liquidated Damage Notices to the local ports, due to lack of manpower is it expected that CBP will be unable to issue Liquidated Damage Notices for all ISF violations?

As discussed during the webinar, CBP will continue to manage ISF enforcement with a common-sense approach and focus liquidated damage claims on repeat offenders. Although CBP-HQ will no longer review and approve claims, the ISF Program Manager will continue to monitor the issuance of claims at the port level to ensure a common-sense approach is being utilized.



- 68) Will the local ports consider adopting a policy of looking at the percentage of complaint ISF submissions as an objective tool in administering liquidated Damages?**
- The ports already consider this as part of their common-sense approach to ISF enforcement and focus on significantly late violations and repeat offenders. There is no formal protocol since ISF is a security program that requires review and compliance on a transactional basis.
- 69) Will CBP use the importer's ISF transaction record (report card) to determine any warning/penalty issuance? Will this same ISF history be used to determine any penalty amount?**
- As discussed during the webinar, the ACE Progress Reports are not used to measure an importer's compliance record and/or determine any liquidated damages that would apply.
- 70) If an importer is part of a CEE, will they be involved with the ports on issuance of the liquidated damage claims?**
- CBP is currently developing a plan on how liquidated damages may be handled for a CEE account in the future.

ISF Report Questions

- 71) How can I get set up in ACE?**
- You will need an ACE Portal Account, instructions were provided in the presentation. Otherwise, your ISF Filer can assist you in accessing reports through their own portal and/or help you set up your own portal to view. Any questions or problems should be sent to the ACE Help Desk at ACE.support@cbp.dhs.gov or call 866-530-4172.
- 72) How can importer/broker get the VDM in ACE?**
- As discussed during the webinar, Vessel Departure Message (VDM) can be obtained as follows:
- 1) *Your ISF filer can run an ACE Manifest Query as announced in the following CSMS:*
[CSMS# 15-000226 - ACE Cargo/Manifest/Entry Release Query \(CQ\) NOW available in CERTIFICATION](#)
 - 2) *You can run an ACE ISF Progress Report.* However, only C-TPAT Tier II or III participants can receive line item detail that includes the VDM field. You will need an ACE Portal Account per instructions provided below.
Otherwise, your ISF Filer can assist you in accessing these reports through their own portal and/or help you set up your own portal. See [CSMS #11-000155 effective 7/13/11](#) and http://apps.cbp.gov/csms/docs/18395_749938721/Final_Information_Notice_ISF_Portal.pdf
 - 3) *You can run an ACE ISF Late File Report.* This provides line item detail with the VDM field, but only for late ISFs that are not in compliance with CBP's requirement for timeliness. You also need an ACE Portal Account to access this report, instructions provided in below CSMS [CSMS #12-000031](#) dated February 1, 2012.
- 73) Can you tell us when Manifest Query will be available in ACE?**
- Per [CSMS# 15-000226 - ACE Cargo/Manifest/Entry Release Query \(CQ\) NOW available in CERTIFICATION](#), this query functionality is already available in ACE in certification environment. That means once your software tests the query functionality to ensure it is working properly, you can then begin using the functionality in production mode.
- 74) Is there a way to see our ISF filings in ACE on a weekly basis rather than only on a monthly basis?**
- No, not in ACE but this is something you can manage within your own ISF software.



- 75) Where can an importer find their compliance rate? Through ACE we can only see 3 months and then some drop off?**
- An importer can manage their compliance rate by downloading the reports in ACE to track over an annual period. Although the reports are provided as a 3-month snapshot, they are stored for 120 days. If you run them continuously to capture each 90 day period, you will have an annual period you can review. You can also inquire with your ISF Filer who may have their own reports to help you manage your compliance and/or your ISF software provider.
- 76) Is there any plan to have ISF reports emailed to a single user at a company as there was in the past before ACE rollout and having to run from ACE?**
- No, there are no plans to return to emailed reports. You must run the reports in ACE.
- 77) Regulations state exactly what Craig defined as the timeline for the ISF filing, 24 hrs before the cargo is laden onboard the vessel, so how does the vessel departure message come into play because this is not filed by the carrier until they leave the last foreign port? We also see some VDMs not filed based on the ISF Progress report.**
- CBP measures timeliness based on the Vessel Departure Message (VDM) of the mother vessel destined for the United States minus 24 hours based on the local time of the departure port. For example, if goods are departing from China, CBP will use the local time in China minus 24 hours to determine timeliness based on the VDM that CBP receives from the ocean carrier.
- The ISF reports measure timeliness based on the DATE of departure, not the exact time of departure. This is why 11:59 PM appears on the reports as the end of the day, and actually provides the trade with more time to file a timely ISF.
- Yes, the ACE Progress Reports may not always have the VDMs fully populated when the report is run for a 90-day period since the most recent transactions may not be captured yet. For this reason, CBP breaks down the report for ISFs that are not measured for timeliness because the VDM is not yet available.
- 78) What about the VDMs that aren't filed? The ISF Progress report has a lot of unmatched ISFs, will this improve?**
- No, this will not improve because this is the best information CBP has available at the time the report is run. There are various reasons a VDM may not be available when the report is run as noted above. For this reason, CBP breaks down the report for ISFs that are not measured for timeliness and thus not subject to enforcement at such time.

Mitigation & Best Practices

- 79) Where can the mitigation guidelines be found?**
- The guidelines for the assessment and cancellation of claims for liquidated damages for failure to comply with the vessel stow plan, container status message, and importer security filing requirements were published in the Customs Bulletin on July 17, 2009 and are available through this link: <http://www.avalonrisk.com/questnewsletter/news/mitigation.pdf>
- 80) Are the circumstances where an LD claim against an ISF violation would be dropped/mitigated to \$0 or is \$1,000 the best case scenario once an LD is issued?**
- Yes, an ISF claim may be cancelled in full in accordance with the mitigation guidelines if CBP finds that the claim was issued in error, and/or at no fault of the ISF importer (for example, a B/L mismatch due to the ACE bug we discussed during the webinar).



81) Example refers to 24 hours prior to lading. Has the date now shifted to 24 hours prior to sailing?

Since 2009, CBP has measured timeliness based on the Vessel Departure Message (VDM) of the mother vessel destined for the United States minus 24 hours based on the local time of the departure port. For example, if goods are departing from China, CBP will use the local time in China minus 24 hours to determine timeliness based on the VDM that CBP receives from the ocean carrier. CBP determines timeliness based on the date of departure, not the exact time of departure. This actually provides the trade with more time to file a timely ISF, and is more generous than the [SAFE Port ACT of 2006](#) which requires 24 hours prior to lading.

82) Please reconfirm sailing dates are from LAST FOREIGN PORTS?

No, this is not always the case. The ISF is due no later than 24 hours prior to the cargo being loaded on the mother vessel that is arriving in the United States. That is not necessarily the last foreign port. There are many shipping routes that hop from one country to the other, picking up cargo along the way, and then arriving in the United States on that vessel. From country A to country B to the US, if it's the same vessel, you have two different timelines. You have an ISF timeline for country A, and an ISF timeline for that cargo loaded in Country B. In mother vessel/feeder vessel relationships, where you have one vessel coming from country A bringing cargo and offloading in country B to be loaded on another vessel that arrives in the United States, then you only have the one ISF timeline from country B. If the cargo was loaded on the vessel and that is the same vessel that is arriving in the United States, it is due 24 hours prior to being loaded on the vessel. Please consider the below examples to clarify this explanation:

Example 1: Multiple Ports, No Change in Vessel

- Shipment sails from Hakata, JP on 5/28 on the Kobe Express.
- Kobe Express sails to Pusan, KR and departs Pusan on 6/1
- Kobe Express ETA to Seattle is 6/11

You must file the ISF 24 hours prior to departure from Hakata, Japan since that is the mother vessel destined for the U.S. In this case, the ISF is due 24 hours from first port of departure.

Example 2: Multiple Ports, Change in Vessel

- Shipment sails from Shanghai, China
- 2 weeks later, shipment is transshipped onto a new vessel in Colon, Panama

You must file the ISF 24 hours prior to departure from Colon, Panama since that is the mother vessel destined for the U.S. In this case, the ISF is due 24 hours from last port of departure.

83) Time of arrival is based on the port that my freight is arriving or the first US port the vessel is arriving?

The time of arrival is based on the first U.S. ocean port the vessel is arriving.

84) Our importer relies on their forwarders to provide the ISF information to the US broker timely. What can an importer/broker do when notification was NOT given until we receive the arrival notice?

The ISF Importer is responsible for the timely, complete and accurate filing of an ISF and this is a problem with their supply chain that needs to get resolved. If the importer continues to operate in this manner, the cargo will be routinely held for inspection, which not only delays the cargo but results in extra fees for exams, demurrage, and other charges. The importer also faces liquidated damage claims for both the untimely filing of the ISF and inaccuracy of the ISF since a bill of lading information match is not occurring prior to arrival of the cargo.

85) Can all elements be updated even after the vessel arrives?

Yes. Generally, the requirement to update an ISF terminates when the vessel calls at the U.S. port of arrival. However, CBP will not restrict updates outside of this window. ISF Importers may prefer to make updates so ISF records match Entry records for audit purposes



86) What elements can be updated before the vessel arrives?

Per 19 CFR Part 149, the ISF Importer must update the ISF if there are changes to the information filed or more accurate information becomes available after the filing, but before the goods arrive within the limits of a port in the United States. Of the 10 Data Elements all can be updated before the vessel arrives: (1) Seller; (2) Buyer; (3) Importer of record number/Foreign trade zone applicant identification number; (4) Consignee number(s); (5) Manufacturer (or supplier); (6) Ship to party; (7) Country of origin; (8) Commodity Harmonized Tariff Schedule of the United States (HTSUS) number (6-digit level); (9) Container stuffing location; and (10) Consolidator (stuffer).

87) Are there any benefits of the flexible filing?

Yes, since two of the data elements – the container stuffing location and consolidator (stuffer) – are subject to flexibility as to timing. These two elements must be submitted as early as possible, but no later than 24 hours prior to arrival in a U.S. port (or upon lading at the foreign port if that is later than 24 hours prior to arrival in a U.S. port). If these data elements are unknown prior to vessel departure and/or when the ISF is first filed, the flexible filing options (FR, FT, FX) can be utilized to provide these at a later date. But the ISF must be converted to a Compliant Transaction (CT) 24 hours prior to arrival in the U.S. or risk a liquidated damage claim.

88) If a shipment is recognized while on the water to be imported by a different importer of record, is it recommended to delete the ISF filing and have the new importer refile the ISF or is the ISF to be updated to the new information by the initial importer?

No, you should not delete the original ISF that was filed timely since you risk filing a late ISF that will be in violation and possibly subject to cargo holds, inspections and/or liquidated damage claims. You should update the original ISF with the new information available. Please keep in mind that the Bond Holder originally obligated for the ISF cannot be changed.

89) We filed a timely ISF for our shipment using the Ultimate Consignee's information. We later discovered that this is a DDP shipment and should have been filed using the Foreign Importer's information. Should we cancel the ISF?

No, cancelling the timely ISF and filing a new one will expose the ISF Importer to a cargo hold, inspection, and potential liquidated damage claim. Per CBP, always update an ISF rather than delete it and add a new one. Updating the ISF will retain the timeliness of the original filing. As referenced above, once the ISF is filed that ISF Importer is obligated under the bond.

90) ISF importer cannot be changed so how can you update this? The only option is to delete the original ISF and file a new ISF, no?

As discussed during the webinar, the ISF importer is obligated once the ISF is transmitted and that obligation cannot be changed or transferred to another party. You should never delete the original ISF and file a new ISF since that will result in a Late ISF, which could potentially trigger a cargo hold, inspection, and liquidated damage claim. Per CBP, always update an ISF rather than delete it and add a new one. Updating the ISF will retain the timeliness of the original filing.

91) So there is no issue updating an importer of record on the ISF?

Yes, you can update the ISF Importer, however you cannot update the Bond Holder once it has been obligated to the ISF. The ISF Importer that is identified as the Bond Holder at the time of the original ISF filing is ultimately responsible for the timely, accurate and complete filing of the ISF. This responsibility cannot be transferred to another party. The ISF Importer is not always the same as the Importer of Record (IOR) on the Entry for admissibility of the cargo into the U.S. Thus, if the ISF Importer changes during the voyage, the Entry can be made in the name of the proper IOR. The ISF Importer and IOR on the Entry are two distinct transactions and contractual responsibilities when the ISF is filed separately from the Entry. In the case of a Unified ISF, the ISF Importer and IOR on the Entry must be the same.



- 92) When HTS used in an ISF transaction ended up not matching to the HTS codes used when filing the entry, does that constitute an inaccurate filing? Would it be a better practice to update the ISF filing to match with entry information even after the shipment arrived? Or should we stop updating ISF 24hrs before arrival?**

You should always update the ISF with the most current information available prior to arrival of the cargo in the U.S., especially if there is a wholesale change in the commodity. There is no reason to update the ISF to match the Entry after the cargo arrives since the ISF obligation ceases at the first ocean port of arrival. In regards to accuracy, there is no de facto comparison of ISF to Entry data since ISF is for security purposes and not used for admissibility of the cargo at time of Entry. Since the ISF is at the HTS 6-digit level and Entry is at the HTS 10-digit level, CBP is not concerned about a commodity match unless there is a wholesale change at the header level. In situations where CBP may inspect the cargo and notice a wholesale change in the commodity header that poses a security threat, this could of course lead to a full examination and a potential liquidated damage claim for inaccuracy of the data.

ISF General Questions

- 93) Is ISF required for containerized IIT? We are unable to find any reference of this in the CFR.**

Yes, if cargo is containerized, an ISF is required even for an IIT.

- 94) According to ISF FAQ, the goods arrive in Canada by vessel and will then be imported into the U.S. via truck, MUST we file ISF if there is an associated bill of lading at the lowest level in AMS for the ISF to connect with? What happen if we don't file the ISF in this case? Does importer receive a penalty for not filing ISF?**

No, ISFs are only required for cargo arriving in the United States by vessel.

- 95) If filing the ISF along with the entry in ACE, what becomes of the standard statement date? It is normally 10 business days from the date opened.**

We assume you are referring to a Unified ISF with ACE Cargo Release. Filing an ISF along with the Entry in ACE would not change the Entry Summary date because the ISF and Entry simply become a unified record. The Entry Summary (7501) would still be due 10 business days from Entry along with payment of all duties, taxes and fees as it is for any other Entry.

- 96) Please advise the security web pages that you can search and view for repeat offenders. If a search is not made prior to loading a repeat offender could be placed in an LCL box and cause a hold of the whole container for a VACIS exam that we wish to avoid. Please advise the web page database that we can search through?**

As discussed during the webinar, you can access your own reports in ACE and also co-load with other C-TPAT participants but only if you are also a C-TPAT participant.

- 97) The last update to the ISF FAQ was July 9, 2010; does CBP have a date established as to when this will be next updated?**

Yes, there is another ISF FAQ in the works as discussed during the webinar. CBP updated the website, and it broke a few links in the old FAQs so CBP is in the process of correcting it. There is no real timeline, but CBP is working on and expects to update on the website soon.

- 98) Why not use all these questions today and incorporate within FAQ?**

CBP's FAQ on ISF is a document that must go through review by the Office of Rulings and Regulations (OR&R). OR&R is not required to review a Q&A document such as this that is part of CBP's trade outreach.



99) Please define break bulk including the exemptions and timeframe requirements

Per CBP's FAQ on Vessels, Break bulk cargo will be defined as cargo that is not containerized and that cannot be classified as "bulk" cargo. For example, new and used vehicles will be classified as break bulk cargo. Although uniform in nature, vehicles have identifying marks (such as a Vehicle Identification Number or VIN). One necessary aspect of bulk cargo is fungibility. The presence of a VIN removes that component from the shipment of new or used vehicles. It is important to note that the difference between bulk and break bulk is based not only on the type of cargo, but also on the way in which the cargo is stowed or loaded. For example, bananas stowed loosely in a hold (not in boxes or containers) will be considered bulk. Palletized boxes of bananas loaded directly into a hold (but not loose or containerized) will be considered break bulk.

Per CBP's FAQ on ISF, Break-bulk shipments, while exempt from the vessel stow plan and container status message requirements, require the filing of an ISF. Break-bulk cargo that is exempt from the timing requirements of the 24 Hour Rule are automatically exempt from the timing requirements of the ISF filing. ISFs for break-bulk cargo that are exempt from the timing requirements of the 24 Hour Rule must be filed no later than 24 hours prior to arrival. Only carriers may apply for and receive an exemption to the 24 Hour Manifest Rule for break-bulk cargo. Please review the latest information on the 24 Hour Manifest Rule, including definitions of bulk and break-bulk cargo at the following link:

<http://www.cbp.gov/document/faqs/vessel-faqs-trade-act-2002-mandatory-advanced-electronic-cargo-information>

100) What, if any, liability does the CHB bare?

The ISF Importer is responsible for the timely, accurate and complete filing. The CHB as the ISF Filer does not bare this liability from CBP's perspective.

101) Why is the statute of limitation 6 years when import records are only required to be kept for 5 years from the date of import? If we are required to keep records for only 5 yrs does this mean now that we need to keep records for 6yrs instead?

This was addressed during the webinar, there are no separate record keeping requirements that were created for ISF and this does not change the five-year record keeping requirements already in place for Customs Business. It is important to note that Section [28 USC § 2415\(a\)](#) is the time limit the United States has for commencing all legal actions. As a result, this six-year statute applies to any federal government agency, including all legal actions taken by CBP, not just ISF. The five-year record keeping requirement applies to "Customs Business." ISF is not considered "Customs Business" and thus it is a business decision for each company to consider holding ISF records for six years since that is the amount of time CBP would have to take action or pursue a lawsuit against an ISF transaction.

102) Is CBP at all concerned that the disparate local port enforcement policies drive cargo to those ports with a less onerous enforcement posture?

No, because the ocean volume into the U.S. had remained relatively constant since ISF was first announced on July 9, 2013, and there are many different dynamics that impact which port and/or ports are utilized for the importation of cargo.

103) Will the trade be able to receive or have access to the CBP-HQ guidelines for ISF penalty notice issuance? Believe the CBP port staffs may determine their own policy/practice or develop their own interpretation of any HQ guidelines that are issued.

CBP does not provide internal guidance to the public. However, a CSMS will be issued to the trade with further guidance when full ISF Enforcement goes into effect. The guidance should parallel what was conveyed during the webinar.



104) What is the best way to submit ISF questions?

Please submit to security_filing_general@cbp.dhs.gov since this email address is always staffed with someone to review or respond to questions. When you submit a question to this email address, you will receive the following Auto Reply. Please keep in mind that CBP will expect you to locate answers in the ISF FAQ and direct technical questions to your CBP Client Representative before submitting questions to the email inbox.

Thank you for your submission to security_filing_general@cbp.dhs.gov. While CBP attempts to respond to each incoming question, general information-seekers are encouraged to reference the ISF FAQ document linked below and to browse www.cbp.gov for the most up-to-date information on ISF.

- ISF Page: <http://www.cbp.gov/border-security/ports-entry/cargo-security/importer-security-filing-102>
- ISF FAQ: http://www.cbp.gov/sites/default/files/documents/10_2faq_0.pdf
- Interim Final Rule: <http://www.gpo.gov/fdsys/pkg/FR-2008-11-25/pdf/E8-27048.pdf>

Technical questions are addressed by the ISF Implementation Guides available on www.cbp.gov (<http://www.cbp.gov/trade/acs/catair>). If you are having technical problems with your system, please contact your CBP Client Representative for assistance. If you do not have a Client Representative, or do not know how to contact your Client Representative, please call (571) 468-5500 for assistance.

105) Will Rail and other modes be added to ISF?

No, since ISF is governed by the SAFE Port Act of 2006, which is statutorily confined to the maritime environment. This doesn't mean that similar provisions won't be developed for other modes of transportation in the future in the same way that ACAS is being developed.

Air Cargo Advanced Screening (ACAS)

106) When does the ACAS program go into effect?

As discussed during the webinar, ACAS is only a pilot at this juncture and is waiting for a Notice of Proposed Rulemaking to be issued in the near future.

107) Why did you say ACAS was not ISF for air shipment?

ACAS operates under different laws and requirements than ISF. The only common thread is that ACAS and ISF are both advanced data security initiative, this is really where the similarities end.